REMARKS

This Amendment is filed in response to the Final Office Action mailed Sept. 29, 2008 in connection with a Request for Continued Examination and a Petition for a 1-Month Extension of Time. The Applicant respectfully requests reconsideration. All objections and rejections are respectfully traversed.

Claims 1-11 and 12-34 are pending in the application.

Claims 1-6, 8, 13, 16, 17,19, 24, 26, 30 and 32-34 have been amended.

No new claims have been added.

Request for Interview

The Applicant respectfully requests a telephonic interview to advance the prosecution of this case. The Applicant believes an interview will be most productive after the Examiner has had an opportunity to review this Amendment, but prior to the issue of the next Office Action. As the Applicant can not determine when the Examiner will have time to consider this Amendment, given PTO workload, the Applicant respectfully requests the Examiner contact the Applicant at 617-951-2500 when he reviews this Amendment so that a time convenient to the Examiner may be arranged for a telephonic interview.

Response to Examiner's Response to Arguments

At paragraphs 3-4 of the Final Office Action, the Examiner responds specifically to the Applicant previous arguments. The Applicant would like to respond specifically in turn, in hopes agreement may be reached.

As discussed in the Examiner's Response to Arguments, Henderson does mention that "[i]nformation within the state tables is often modified in real time as packets are processed." *See* paragraph 0008 lines 1-2. However, modifications to state tables does not suggest what is claimed.

The Applicant's amended claims make clear that the data being modified is **packet header data,** and the operation to modify the packet header data is being performed "**while the packet header data is being transferred from the source to the output buffer.**" Henderson's "state tables" may not fairly be interpreted as packet header data that is being transferred from a source to an output buffer.

Henderson's state tables do not store packet headers. Rather, "[s]tate tables contain information that is stored for longer than the time one packet is processed." *See* Henderson paragraph 0007, lines 12-24. Henderson goes on to describe at paragraph 0068, lines 9-20:

> State tables store information that is useful for more than the lifetime of one packet. In this case, the state table 720 stores information about the ports of the switch 106. One or more of the information fields in the state table 720 stores the number of packets that have been sent from each output port. When a packet 301 is to be sent out through particular output port, the state table 720 is updated to reflect that another packet has been sent from that port. Other types of state tables that may be useful and updated during packet processing include TCP session state tables that store information about a TCP session of which the packet being processed is a part.

Thus, Henderson's suggestion that "[i]nformation within the state tables is often modified in real time as packets are processed" (*see* paragraph 0008 lines 1-2), does not suggest the Applicant's modifying **packet header data** "**while the packet header data is being transferred from the source to the output buffer.**"

Further, as discussed in detail below, when Henderson does discuss modification of packets data (as opposed to state tables), Henderson makes clear that the packets are modified **BEFORE** initiation of their transfer to a packet output unit 222 (likened by the Examiner to the claimed "output buffer" at Office Action paragraph 16). Henderson's data packets are **NOT** modified while the packets are in the process of being transferred from a source to the packet output unit 222.

Claim Rejections – 35 U.S.C. § 102

At paragraphs 6 – 25 of the Final Office Action, claims 1 – 4, 7, 9 – 15, 18, 20 – 25, 28 – 31 and 34 were rejected under 35 U.S.C. § 102(e) as being anticipated by Henderson et al., U.S. Publication No. 2004/004290, published March 4, 2004 (hereinafter "Henderson").

Applicant's claim 1, representative in part of claims 1 – 4, 7, 9 – 15, 18, 20 – 25, 28 – 31 and 34, sets forth (emphasis added):

> 1. A method for modifying packet header data transferred from a source to an output buffer, the method comprising the steps of:
>   reading one or more instructions, by a processor, each instruction indicating an operation to modify the packet header data;
>   generating, in response to the one or more instructions, one or more commands wherein each command is associated with the operation to modify the packet header data;
>   placing the one or more commands in a data structure;
>   *initiating a transfer of the packet header data from the source to the output buffer*; and
>   *performing*, by a device operating independently from the processor, *the operations* associated with the one or more commands contained in the data structure, *to modify the packet header data* as directed by the one or more commands *while the packet header data is being transferred from the source to the output buffer*.

Henderson discloses a system and method for modifying received packets. A packet is received at a packet input unit 210. *See* paragraph 0030 and Fig. 2. "The packet input unit 210 stores the packet data into one or more free blocks of cache 230." *See* paragraph 0030 and Fig. 2. Under the direction of the packet processing controller (200), an editing unit (216) modifies the packet. *See* paragraph 0034. "Once all packet editing has been performed on a particular packet, a queue instruction [is] output by the editing unit 218" (emphasis added). *See* paragraph 0034, lines 40-43. Then, the service processor 210 groups the packets into queues stored in the cache 230. *See* paragraph

0035, lines 2-5. "Sometime after the packets have been added to a queue… the output scheduler 220 removes them [from cache 230] and sends them to the packet output unit 222." *See* paragraph 0036, lines 1-3.

The Applicant respectfully urges that Henderson fails to teach or suggest the Applicant's claimed novel *"initiating a transfer of the packet header data from the source to the output buffer"* and *"performing… the operations … to <u>modify the packet header data … while the packet header data is being transferred from the source to the output buffer."</u>*

While the Applicant initiates a transfer of packet header data to an output buffer, and modifies the packet header data **WHILE** the packet header data is being transferred from the source to the output buffer, Henderson makes clear his packets are modified **BEFORE** any transfer of the packets is initiated to his packet output unit 222 (likened by the Examiner to the claimed "output buffer" at Office Action, paragraph 16).

Specifically, Henderson's editing unit reads packets from a cache 230, modifies the packets, and returns them back to the same cache 230, organizing them into queues there. Then "[s]ometime after the packets have been added to a queue… the output scheduler 220 removes them [from cache 230] and sends them to the packet output unit 222." *See* Henderson paragraph 0036, lines 1-3. Henderson does not suggest performing any modification to a packet while the packet is in the process of being sent/transferred to the output unit 222. If anything, Henderson teaches away from this type of operation, by disclosing that packets are sent/transferred "sometime after" any modifications are complete.

Accordingly, for the above reasons, the Applicant respectfully requests reconsideration and urges that Henderson is legally insufficient to anticipate the present claims under 35 U.S.C. §102(e).

Claim Rejections – 35 U.S.C. § 103

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At paragraphs 26 – 29 of the Final Office Action, claims 5, 16, 26, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Henderson in view of Ueno, U.S. Publication No. 2002/0009050 (hereinafter "Ueno").

The Applicant respectfully notes that claims 5, 16, 26, and 32 are dependent claims that depend from independent claims that are believed to be in condition for allowance. Accordingly, claims 5, 16, 26, and 32 are believed to be in condition for allowance.

At paragraphs 30 – 32 of the Final Office Action, claims 8 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Henderson in view of Deforche et al., U.S. Publication No. 2005/0232303 (hereinafter "Deforche").

Applicant respectfully notes that claims 8 and 19 are dependent claims that depend from independent claims that are believed to be in condition for allowance. Accordingly, claims 8 and 19 are believed to be in condition for allowance.

In summary, all the independent claims are believed to be in condition for allowance and therefore all dependent claims that depend there from are believed to be in condition for allowance.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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